

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ANTWAINNE ENTA YARBROUGH,
ID #55873-177,
Movant,**

VS.

UNITED STATES OF AMERICA,
Respondent.

No. 3:20-CV-3376-D-BH
No. 3:17-CR-198-D(1)

Referred to U.S. Magistrate Judge¹

RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Before the Court are the movant's single-page *Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis*, received on October 3, 2023 (doc. 20), which is liberally construed as a request to proceed *in forma pauperis* on appeal, and accompanying certificate of inmate trust account, received on November 7, 2023 (doc. 22).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation, and the memorandum opinion and order filed in this case on April 19, 2023, and September 15, 2023, respectively (docs. 12, 18).

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 14th day of November, 2023.

Irma Carrillo Ramirez
IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By *Amended Miscellaneous Order No. 6* (adopted by *Special order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.